

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 97-166 (CCC)

Defendant No. 01

EDWIN RAMON OSORIO-PENA,

Defendant.

**DEFENDANT EDWIN RAMON OSORIO-PENA'S MOTION FOR
DISCOVERY PURSUANT TO RULE 32.1 OF THE FEDERAL
RULES OF CRIMINAL PROCEDURES**

TO THE HONORABLE CARMEN CONSUELO CEREZO
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO:

COMES NOW the defendant **EDWIN RAMON OSORIO-PENA**, by and through his undersigned Counsel **RAMON M. GONZALEZ, ESQUIRE**, and respectfully moves, pursuant to Rule 32.1 of the Federal Rules of Criminal Procedures, and/or any other applicable Local Rule of Court, for a disclosure of the evidence the United States intends to use against him to revoke his supervised release term. As grounds therefore, the defendant states and prays as follows:

1. On June 26, 2007, the United States Probation Office filed a motion notifying the Court the defendant has allegedly violated four mandatory conditions of his four year term of supervision. (Docket # 145).

2. *Federal Rule of Criminal Procedure 32.1 et seq.*, provides that a person who's term of supervised release is to be revoked has the right to the disclosure of the evidence to be used against him; present mitigating information on his behalf; and question government witnesses.

The following information is therefore requested on defendant's behalf:

- a) The notes (chronos) of the Probation Officer of the meetings held with the defendant.

- b) Any police reports, criminal complaints, investigative reports, prepared by law enforcement agents related to the purported violations of the Puerto Rico Controlled Substances Act alleged in the Probation Office's motion. This request includes copies of any Court Orders finding probable cause issued by any Judge.
- c) Defendant's monthly reports.
- d) Copy of all documents signed by defendant concerning his appearance at U.S. Probation Office.
- e) The names and addresses of any witnesses, police agents, and/or informants the government intends to use directly related to the reasons for revocation that the U.S. Probation Office included in their motion.
- f) Copies of any search warrants obtained by any law enforcement agent related to the reasons for revocation that the U.S. Probation Office included in their motion
- g) The appointments given to the defendant by the United States Probation Office.
- h) The record of assistance of the defendant to the appointments given by the United States Probation Office.
- i) Any information in the possession of the U.S. Probation Office related to the reasons for revocation that the U.S. Probation Office included in their motion

3. It is respectfully requested that an order be issued by this Honorable Court in which it orders the Probation Officer to provide the information requested by defendant.

WHEREFORE it is respectfully requested that the information sought by defendant pursuant to *Federal Rule of Criminal Procedure 32.1 et seq.* be provided.

I HEREBY CERTIFY that a true and exact copy of this document has been filed through the Court's ECF/ECM which will send notification of this filing to all parties of record. A copy of this document has also been sent via facsimile to the United States Probation Office for the district of Puerto Rico.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico on this the 17th day of July 2007.

S/ Ramon M. Gonzalez
RAMON M. GONZALEZ
P.O. Box 19543
San Juan, Puerto Rico 00919-5493
Tel: 787-593-8281
e-mail: rmgonzalezcsq@aol.com